

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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UNITED STATES OF AMERICA

v.

RICHARD E. WARBURTON,

Defendant.

Criminal No.

U.S. DISTRICT COURT

DISTRICT OF MASS.

VIOLATION:

16 U.S.C. § 703 - Taking, Killing and

Possessing Migratory Birds

16 U.S.C. § 706 - Criminal Forfeiture

INFORMATION

COUNT ONE: 16 U.S.C. § 703 – Taking, Killing and Possessing Migratory Birds

The United States Attorney charges that:

On or about February 17, 2016, in the District of Massachusetts,

RICHARD E. WARBURTON,

defendant herein, unlawfully did pursue, hunt, take, capture, attempt to take, capture, and possess a migratory bird, as defined in 50 C.F.R. 10.13, to wit, a red-tailed hawk (*Buteo jamaicensis*).

All in violation of Title 16, United States Code, Sections 703 and 707(a).

MIGRATORY BIRD TREATY ACT FORFEITURE ALLEGATIONS
16 U.S.C. § 706 and 28 U.S.C. § 2461(c)

The United States Attorney further charges that:

1. The allegations in Count One of this Information are hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 16, United States Code, Section 706 and Title 28, United States Code, Section 2461(c).

2. Upon conviction of the offense in violation of Title 16, United States Code, Section 703, set forth in Count One of this Information,

RICHARD E. WARBURTON,

defendant herein, shall forfeit to the United States, pursuant to Title 16, United States Code, Section 706 and Title 28, United States Code, Section 2461(c), all birds and parts thereof captured, killed, taken or possessed in violation of Title 16, United States Code, Section 703. The property to be forfeited includes, but is not limited to, one carcass of a red-tailed hawk (*Buteo jamaicensis*).

3. If any of the property described in Paragraph 2, above, as being forfeitable pursuant to Title 16, United States Code, Section 706 and Title 28, United States Code, Section 2461(c), as a result of any act or omission of the defendant –

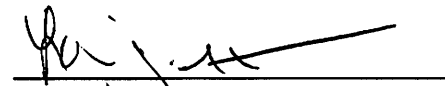
- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to Title 28, United States Code, Section 2461(c), incorporating Title 21, United States Code, section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property described in Paragraph 2 above.

All pursuant to Title 16, United States Code, Section 706 and Title 28, United States Code, Section 2461(c).

CARMEN M. ORTIZ
United States Attorney

By:


Lori J. Holik
Assistant U.S. Attorney

Dated: August 15, 2016